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22850	7590	12/23/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
SEMENTENKO, YURIY				
ART UNIT		PAPER NUMBER		
2841				
NOTIFICATION DATE		DELIVERY MODE		
12/23/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/800,861

**Applicant(s)**

NAKAMURA, HIROKI

**Examiner**

YURIY SEMENENKO

**Art Unit**

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 October 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 30,31 and 33-39 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 30,31 and 33-39 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/S5108)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/23/2008 has been entered.

### ***Response to Amendment***

2. Amendment filed on 09/03/2008 has been entered.  
Claim 39 is newly added.  
Claims 30, 31, 33-39 are now pending in the application.

### ***Claims***

3. Claim 33 amendments, filed on 09/03/2008 are considered and acknowledged.  
The claims amendments are approved.

### ***Claim Objections***

4. Claims 30, 35, 37 and 39 are objected to because of the following informalities:  
Claims 30, 35, 37 and 39: "the exposed surface" , " the side, upper and lower surfaces"  
and " the multilayered structure" lack antecedent basis.  
Claim 39,  
line3: it should be -insulating substrate ; -

lines 15-16: it should be - the nickel seed layer or a seed layer made of a metal material of group VIIIa including a cobalt seed layer - for proper antecedent basis.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 37 and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamazaki et al. (US 6791112) hereinafter Yamazaki.

As to claim 37: Yamazaki discloses in Fig. 1A a thin-film transistor comprising: a source region 105 and a drain region 106 which are provided with an interval on an insulating substrate 101 (glass- column 4, lines 8-14); a gate insulator layer 112 which is provided over the interval between the source region 105 and the drain region 106; a gate electrode 115 which is provided on the gate insulator layer 112; and a source electrode 120 and a drain electrode 121 which are provided on the source region 105 and the drain region 106, respectively, wherein the gate electrode Fig. 17C comprises: a first copper diffusion-preventing layer 1701 (silicon nitride -column 19, lines 7-16) formed on the gate insulator layer 112; a copper layer 1707 (column 18, lines 65-67, col. 19:1-6 and column 4, lines 55-61) formed on the first copper diffusion-preventing layer 1701; and a second copper diffusion-preventing layer 1705 (silicon nitride -column 19, lines 7-

16) covering the exposed surface including the side, upper and lower surfaces of the multilayered structure having the copper layer and the first copper diffusion-preventing layer, and wherein the copper layer is surrounded by the first copper diffusion-preventing layer and the second copper diffusion-preventing layer, and has a forward tapered cross section Fig. 18B and (column 20, lines 14-17).

As to claim 38: Yamazaki discloses the thin-film transistor substantially as claimed claim 37, wherein the insulating substrate 101, Fig. 1A is formed of one of glass, a quartz glass, ceramics, and a resin material (glass- column 4, lines 8-14).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 30, 31, 33 - 36 and 39 are rejected under 35U.S.C. 103(a) as being unpatentable over Yamazaki in view of Ueno et al. (PGPub. No: 2003/0008075) hereinafter Ueno.

As to claim 30: Yamazaki discloses in Fig. 1A a thin-film transistor comprising: a source region 105 and a drain region 106 which are provided with an interval on an insulating substrate 101 (glass- column 4, lines 8-14); a gate insulator layer 112 which is provided over the interval between the source region 105 and the drain region 106; a gate electrode 115 which is provided on the gate insulator layer 112; and a source electrode 120 and a drain electrode 121 which are provided on the source region 105 and the

drain region 106, respectively, wherein the gate electrode Fig. 17C comprises: a first copper diffusion-preventing layer 1701 (silicon nitride -column 19, lines 7-16) formed on the gate insulator layer 112; a copper layer 1707 formed; and a second copper diffusion-preventing layer 1705 (silicon nitride -column 19, lines 7-16) covering the exposed surface including the side, upper and lower surfaces of the multilayered structure having the copper layer, and wherein the copper layer is surrounded by the first copper diffusion- preventing layer and the second copper diffusion-preventing layer, and have a forward tapered cross section, Fig. 18B and (column 20, lines 14-17),

except Yamazaki does not teach a copper seed layer which is formed on the first copper diffusion-preventing layer and of which an undesired portion is removed, the undesired portion being a portion other than an area where the gate electrode is formed; a copper layer formed on the copper seed layer by an electroless plating method.

Ueno discloses in the "Background of the invention" section, [0006] at the time the invention was made, it was well know to use a copper seed layer 17, Fig. 1, formed on the first diffusion-preventing layer 15; and a metal wiring layer 11 formed on the copper seed layer 17 [0029] by an electroless plating method [0029], [0033].

Therefore it would have been obvious to one of ordinary skill in the art, at time the invention was made, for Yamazaki to include in his invention that a copper seed layer which is formed on the first copper diffusion-preventing layer and of which an undesired portion is removed, the undesired portion being a portion other than an area where the gate electrode is formed; a copper layer formed on the copper seed layer by an electroless plating method, as taught by Ueno, because Ueno teaches that a Cu seed layer or the like as a conductive layer is required [0006].

Instant modified Yamazaki clearly teaches the applicant's claimed invention.

However, the examiner notes that a limitation "an undesired portion [of a copper seed layer] is removed, the undesired portion being a portion other than an area where the gate electrode is formed; a copper layer formed on the copper seed layer by an electroless plating method " steps are a process limitation in the product claim. Such process limitations define the claimed invention over the prior art only to the degree that

they define the product itself. A process limitation cannot serve to patentably distinguish the product over the prior art, in the case that the product is the same as, or obvious over, the prior art. See *Product-by-Process* in MPEP 2113 and 2173.05(p) and *In re Thorpe*, 227 USPQ 964, 966 (Fed. Cir. 1985).

As to claim 31: Yamazaki, as modified by the teaching of Ueno, discloses the thin-film transistor having all of the claimed features as discussed above with respect claim 30, wherein the source electrode 122, Fig. 1A and the drain electrode 121. Although Yamazaki does not explicitly teach the source electrode and the drain electrode comprises: a third copper diffusion-preventing layer formed on the source region and the drain region; a copper wiring layer formed on the third copper diffusion-preventing layer; and a fourth copper diffusion-preventing layer formed to surround the copper wiring layer, this is just repeating claim 30 for the gate electrode and so it is old and well known how to use it. Yamazaki also teaches that such structure permit variations (column 26, lines 8-10). Yamazaki teach identical structure for the gate electrode Fig. 17C comprising: a third metal diffusion-preventing layer (silicon nitride -column 19, lines 7-16) formed on the source region 110 and the drain region 109; a copper wiring layer 117 formed on the third metal diffusion-preventing layer (silicon nitride -column 19, lines 7-16); and a fourth metal diffusion-preventing layer formed to surround the copper wiring layer 117.

Therefore it would have been obvious to one of ordinary skill in the art, at time the invention was made, for Yamazaki to include in his invention that the source electrode and the drain electrode comprises: a third copper diffusion-preventing layer formed on the source region and the drain region; a copper wiring layer formed on the third copper diffusion-preventing layer; and a fourth copper diffusion-preventing layer formed to surround the copper wiring layer, because Ueno teaches a Cu seed layer or the like as a conductive layer is required [0006].

As to claim 33: Yamazaki, as modified, discloses the thin-film transistor having all of the claimed features as discussed above with respect claim 31, wherein a plurality of the

thin-film transistors 500, 506, Fig. 4 are arranged to form a matrix Fig. 4, and the thin-film transistors have scanning lines 402 connected to the gate electrodes of the thin-film transistors 500, 506, and signal lines 403 connected to one of the source electrodes and the drain electrodes of the thin-film transistors. Yamazaki teaches the gate electrode, the source electrode, and the drain electrode each has wiring connected thereto (column 20, embodiment 11) and copper diffusion-preventing layer (column 20, lines 47-51); a metal wiring layer of forward tapered cross section (Fig. 18B and (column 20, lines 14-17), which is connects one end thereof to any one of the gate electrode, the source electrode (column 26, lines 8-24).

Although Yamazaki does not explicitly teach the signal lines being provided such that they are surrounded by the first copper diffusion-preventing layer and the second copper diffusion-preventing layer, this is just repeating claim 30 for wiring layer (please see above with respect to claim 30) and so it is old and well known how to use it. Yamazaki also teaches that such structure permit variations (column 26, lines 8-10).

Therefore it would have been obvious to one of ordinary skill in the art, at time the invention was made, for Yamazaki to include in his invention that the signal lines being provided such that they are surrounded by the first copper diffusion-preventing layer and the second copper diffusion-preventing layer, because Ueno teaches that a Cu seed layer or the like as a conductive layer is required [0006].

As to claim 34: Yamazaki, as modified by the teaching of Ueno, discloses the thin-film transistor having all of the claimed features as discussed above with respect claim 30, wherein the insulating substrate 101, Fig. 1A is formed of one of glass, a quartz glass, ceramics, and a resin material (glass- column 4, lines 8-14).

As to claim 35: Yamazaki discloses in Fig. 1A a thin-film transistor comprising: a source region 105 and a drain region 106 which are provided with an interval on an insulating substrate 101(glass- column 4, lines 8-14); a gate insulator layer 112 which is provided over the interval between the source region 105 and the drain region 106; a gate electrode 115 which is provided on the gate insulator layer 112; and a source electrode



120 and a drain electrode 121 which are provided on the source region 105 and the drain region 106, respectively, wherein the gate electrode Fig. 17C comprises: a first copper diffusion-preventing layer 1701 (silicon nitride -column 19, lines 7-16) formed on the gate insulator layer 112; a copper layer 1707 having a forward tapered cross section, Fig. 18B and (column 20, lines 14-17); and a second copper diffusion-preventing layer (silicon nitride -column 19, lines 7-16) covering the exposed surface including the side, upper and lower surfaces of the multilayered structure having the copper layer, and wherein the copper layer is surrounded by the first copper diffusion-preventing layer and the second copper diffusion-preventing layer,

except Yamazaki does not explicitly teach a copper seed layer which is formed on the first copper diffusion-preventing layer and of which an undesired portion is removed, the undesired portion being a portion other than an area where the gate electrode is formed; a copper layer formed on the copper seed layer by an electroless plating method.

Ueno discloses in the "Background of the invention" section, [0006] at the time the invention was made, it was well known to use a copper seed layer 17, Fig. 1, formed on the first diffusion-preventing layer 15; and a metal wiring layer 11 formed on the copper seed layer 17 [0029] by an electroless plating method [0029], [0033].

Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, for Yamazaki to include in his invention that a copper seed layer which is formed on the first copper diffusion-preventing layer and of which an undesired portion is removed, the undesired portion being a portion other than an area where the gate electrode is formed; a copper layer formed on the copper seed layer by an electroless plating method, as taught by Ueno, because Ueno teaches that a Cu seed layer or the like as a conductive layer is required [0006].

Instant modified Yamazaki clearly teaches the applicant's claimed invention.

However, the examiner notes that a limitation "an undesired portion [of a copper seed layer] is removed, the undesired portion being a portion other than an area where the gate electrode is formed; a copper layer formed on the copper seed layer by an electroless plating method" steps are a process limitation in the product claim. Such

process limitations define the claimed invention over the prior art only to the degree that they define the product itself. A process limitation cannot serve to patentably distinguish the product over the prior art, in the case that the product is the same as, or obvious over, the prior art. See *Product-by-Process* in MPEP 2113 and 2173.05(p) and *In re Thorpe*, 227 USPQ 964, 966 (Fed. Cir. 1985).

As to claim 36: Yamazaki, as modified by the teaching of Ueno, discloses the thin-film transistor having all of the claimed features as discussed above with respect claim 35, wherein the insulating substrate 101, Fig. 1A is formed of one of glass, a quartz glass, ceramics, and a resin material (glass- column 4, lines 8-14).

As to claim 39: Yamazaki discloses in Fig. 1A a thin-film transistor comprising: a source region 105 and a drain region 106 which are provided with an interval on an insulating substrate 101 (glass- column 4, lines 8-14); a gate insulator layer 112 which is provided over the interval between the source region 105 and the drain region 106; a gate electrode 115 which is provided on the gate insulator layer 112; and a source electrode 120 and a drain electrode 121 which are provided on the source region 105 and the drain region 106, respectively, wherein the gate electrode Fig. 17C comprises: a first copper diffusion-preventing layer 1701 (silicon nitride -column 19, lines 7-16) formed on the gate insulator layer 112; a copper layer 1707 formed on seed layer; and a second copper diffusion-preventing layer 1705 (silicon nitride -column 19, lines 7-16) covering the exposed surface including the side, upper and lower surfaces of the multilayered structure, and the copper layer are surrounded by the first copper diffusion-preventing layer and the second copper diffusion-preventing layer, and have a forward tapered cross section, Fig. 18B and (column 20, lines 14-17),

except Yamazaki does not teach a nickel seed layer or a seed layer made of a metal material of group VIIIa including a cobalt seed layer which is formed on the first copper diffusion-preventing layer and of which an undesired portion is removed, the undesired portion being a portion other than an area where the gate electrode is formed;

Ueno discloses [0032] and in fig.2 a nickel seed layer or a seed layer made of a metal material of group VIIIa including a cobalt seed layer which is formed on the diffusion-preventing layer 15, fig. 2.

Therefore it would have been obvious to one of ordinary skill in the art, at time the invention was made, for Yamazaki to include in his invention that a nickel seed layer or a seed layer made of a metal material of group VIIIa including a cobalt seed layer which is formed on the first copper diffusion-preventing layer and of which an undesired portion is removed, the undesired portion being a portion other than an area where the gate electrode is formed, as taught by Ueno in order to provide better adhesion, as taught by Ueno [0032].

Instant modified Yamazaki clearly teaches the applicant's claimed invention. However, the examiner notes that a limitation "an undesired portion [of a copper seed layer] is removed, the undesired portion being a portion other than an area where the gate electrode is formed " steps are a process limitation in the product claim. Such process limitations define the claimed invention over the prior art only to the degree that they define the product itself. A process limitation cannot serve to patentably distinguish the product over the prior art, in the case that the product is the same as, or obvious over, the prior art. See *Product-by-Process* in MPEP 2113 and 2173.05(p) and *In re Thorpe*, 227 USPQ 964, 966 (Fed. Cir. 1985).

### ***Response to Arguments***

7. Applicant's arguments filed 09/03/2008 have been fully considered but they are not persuasive.

First of all, examiner notes that applicant use in his Remarks filed 09/03/2008 Yamazaki's reference with paragraphs [0151], [0152] and so on. But Examiner used for rejection Yamazaki's Patent US 6791112, without such paragraphs.

Applicant argues with respect to claim 37 " In contrast, Yamazaki has a laminate film comprising a titanium film 1702, a film 1703 containing aluminum as a main component, and a titanium film 1704, where the lower surface is in direct contact with a gate

insulation layer." Examiner agree that Yamazaki discloses this structure in fig. 17A of his invention, but for rejection examiner used another structure which Yamazaki teaches in fig. 17C and (col. 18: 64-67, col. 19:1-6 and column 4, lines 55-61). Please see par 5 (rejected under 35 U.S.C. 102(e)).

Applicant argues with respect to claim 37 " [I]n addition, since the copper layer of the present invention has a forward tapered cross section, it is possible to prevent the first and second copper diffusion-preventing layers surrounding the copper layer from getting thin at the edge portion. Thus, in the present invention, diffusion of copper is prevented more effectively than in Yamazaki. " But Yamazaki's invention also has a forward tapered cross section Fig. 18B and (column 20, lines 14-17). Further Yamazaki teaches " Note that it is possible to freely combine the structure of Embodiment 9 with the structure of any of Embodiments 1 to 8 ". Furthermore, it has been held In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966) that change in shape and change in size of the configuration of the claimed device was a matter of choice which a person of ordinary skill in the art would have found obvious absent persuasive evidence that the particular configuration of the claimed container was significant.

Applicant argues with respect to claim 30 "[t]he structure recited in present Claim 30 that a copper layer formed by an electroless plating method being provided on the copper seed layer of which an undesired portion, which is a portion other than an area where the gate electrode is formed, is removed is not taught or suggested by Ueno".

Ueno teaches to use a copper seed layer 17, Fig. 1 [0006].

In response to the applicant's argument with respect to manufacturing process benefits the examiner notes, since the Applicant claims product in claims, it is not appropriate to argue about process limitations. Further a process limitation cannot serve to patentably distinguish the product over the prior art, in the case that the product is the same as, or obvious over, the prior art. See Product-by-Process in MPEP 2113 and 2173.05(p) and In re Thorpe, 227 USPQ 964, 966 (Fed. Cir. 1985).

The Applicant argues "there is no reason to combine the teachings of Yamazaki et al. with Ueno et al, other than by using Applicant's invention as a template for modifying the claims in a hindsight reconstruction of Applicant's invention." Applicant's arguments are

not persuasive. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). In this case Ueno discloses in the "Background of the invention" section, a copper seed layer 17, Fig. 1 or the like as a conductive layer is required [0006].

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuriy Semenenko whose telephone number is (571) 272-6106. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean A. Reichard can be reached on (571)- 272-2800 ext. 31. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Y. S./

Examiner, Art Unit 2841

/Dean A. Reichard/

Supervisory Patent Examiner, Art  
Unit 2841